



HOWARD COUNTY HISTORIC DISTRICT COMMISSION
ELlicott City HISTORIC DISTRICT ■ LAWYERS HILL HISTORIC DISTRICT
3430 Courthouse Drive ■ Ellicott City, Maryland 21043

Administered by the Department of Planning and Zoning

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December Minutes

The regular meeting for the year 2009 of the Historic District Commission was held on Thursday, December 3, 2009 in the Tyson II Room located at 8930 Stanford Boulevard in Columbia, Maryland.

Members present: Joseph Hauser, Chairman; Samuel Crozier, Vice Chairman; Eileen Tennor, Secretary; Lisa Badart and Robert Tennenbaum

Staff present: Samantha Stoney, Mina Hilsenrath, and Jim Vannoy

Chairman Joseph Hauser opened the meeting at 7:00 p.m. and asked the Commission members if there were any changes to the November 5, 2009 minutes. Joseph Hauser made a motion to approve the minutes as written; Eileen Tennor seconded the motion. The motion passed unanimously.

PLANS FOR APPROVAL

1. #07-08c – 3757 Church Road, Ellicott City
2. #09-18c – 3757 Church Road, Ellicott City
3. #09-36 – 4688 Beechwood Road, Ellicott City, HO-455
4. #09-39 – 3421 Martha Bush Drive, Ellicott City
5. #09-40 – 8501 Hill Street, Ellicott City
6. #09-41 – 3675 College Avenue, Ellicott City, HO-347

#07-08c – 3757 Church Road, Ellicott City

Final tax credit approval.

Applicant: William and Amy Noggle

Background & Scope of Work: The Applicant has submitted documentation that \$4,537.50 was expended on eligible pre-approved work to remove the rear addition of the home.

Staff Comments: The removal of the rear addition complies with the work pre-approved on February 8, 2007.

Staff Recommendations: Staff recommends Approval of final tax credit.

Testimony: Mr. Hauser swore in the Applicant, William Noggle. Mr. Hauser asked if anyone had questions for the Applicant. The Commission had no questions or concerns.

Motion: Mr. Hauser moved to approve the application. The motion was seconded by Lisa Badart. The vote was unanimous to approve.

#09-18c – 3757 Church Road, Ellicott City

Final tax credit approval.

Applicant: William and Amy Noggle

Background & Scope of Work: The Applicant has submitted documentation that \$9,384.93 was expended on eligible pre-approved work to make repairs to the house. The Applicant seeks \$938.00 in final tax credits.

Staff Comments: The repairs to the house comply with the work pre-approved on April 15, 2009.

Staff Recommendations: Staff recommends Approval of final tax credit.

Testimony: This case was read concurrently with HDC-07-08c. The Commission had no questions or concerns.

Motion: Mr. Hauser moved to approve the application. The motion was seconded by Lisa Badart. The vote was unanimous.

#09-36 – 4688 Beechwood Road, Ellicott City, HO-455

Tax credit pre-approval to replace roof and dormer shingles.

Applicant: Allan S. Danoff and Marguerite A. Donnelly

Background & Scope of Work: This item was originally supposed to be on the November agenda, but the Applicant requested it be delayed until the December hearing. The Applicant seeks retroactive tax credit pre-approval for replacement of the roof, which was replaced prior to pre-approval due to emergency leaking. The property is not located in a historic district, but is listed on the Historic Sites Inventory and therefore only requires pre-approval and final approval for tax credits. The Applicant dropped off the application at the Department of Planning and Zoning front counter after the deadline for the October meeting. The application noted that the roof was deteriorating, but the Applicant did not inform HDC staff that an emergency condition existed or that consideration at the October meeting was desired. The application could have been added to the October agenda as an emergency item if the request had been made on the application or through direct contact with staff.

Staff Comments: According to the County Code and Rules of Procedure, all work must be pre-approved in order to be eligible for tax credits. Rule 201.E states “the Commission shall not approve tax credits for any work that is commenced or expenses incurred before the work is initially approved by the Commission.” Section 20.112(4)(b) and (c) of the County Codes defines eligible work as: after the owner receives initial approval of an application for a certificate of eligibility; and in conformity with the application for which initial approval was given. Unfortunately the County Code and Rules of Procedure are very clear that tax credits must be pre-approved.

Staff Recommendations: Staff recommends Denial of tax credit pre-approval.

Testimony: Ms. Stoney stated that at the Applicant’s request the case has been postponed until the January 2010 meeting.

#09-39 – 3421 Martha Bush Drive, Ellicott City

Replacement/repairs to slate mansard roof and associated drainage system.

Applicant: Linwood Center, Inc.

Background & Scope of Work: The building dates approximately to 1840. The Applicants propose to repair the drainage system on the mansard roof and replace the slate mansard. In order to install a copper flashing and gutter system to properly channel rainwater, several rows of slate from the mansard roof must be removed. The contractors are not sure if any of the slate can be reused. If the slate is not salvageable, the Applicant proposes to replace the slate with DaVinci synthetic slate in a dark color to match. The Applicant also investigated the TruSlate product. However, due to the vertical nature of the mansard roof, the Applicant is not comfortable with the installation method in a school environment, as the method uses hooks to secure the slate to the roof. The synthetic slate is nailed into the roof and appears to be more secure.

The mansard roof has four accent bands of a light color slate; one row is hexagonal, one row is half a hexagon and two rows are square. Two of the adjacent dark slate bands are also hexagonal or half a hexagon in shape. The Applicant has indicated they would consider installing the four rows of lighter color slate with the synthetic replacement. The replacement would have a square reveal; they would not be able to replicate the hexagonal shape.

Staff Comments: The mansard roof is an important character defining element of the house and the hexagons are visible upon entering the property. Chapter 6.E of the Guidelines (page 32) recommend against “replacing historic roofing materials that could be retained and repaired.” It is currently unknown if the current slate can be retained and reused, but Staff strongly encourages the Applicant to consider this option. Chapter 6.E of the Guidelines (page 31) recommends “if necessary, replace small areas of roofing using material matching the original in size, shape, color and texture.” Chapter 6.E (page 31) explains that in order to retain the district’s historic character, “every effort should be made to repair and preserve historic wood, metal or slate roofing, particularly for roofs visible from public ways.” While Linwood is not particularly visible from the public way, the roof is an important element.

The Guidelines allow for modern materials only when replacement materials that match or are similar to the original materials are not possible. Chapter 6.E of the Guidelines (page 32) states “replace historic roofing with asphalt shingles or other modern materials only if historically accurate materials cannot reasonably be used...a modern material similar in appearance to the original, such as a synthetic that reproduces the appearance of slate, may be used.” The proposed reproduction of the four accent bands using lighter slates would be preferred to installing a single color synthetic grey slate across the mansard.

There is the possibility the property would qualify for the 20% state tax credit if the slate was replaced in-kind. Staff suggests the Applicant contact the state to see if this would be a viable option.

Staff Recommendations: Staff recommends:

1. Approval flashing and drainage system.
2. Approval of replacing existing slate, if possible.
3. Approval of installing synthetic slate, if the existing slate cannot be reused, to have four accent bands of lighter colored slate.

Testimony: Mr. Hauser swore in the Applicant, John Boender. Mr. Boender stated that he agreed with the staff report and said they intend to try and save slate on the mansard roof. Mr. Boender said there

may be a problem with salvaging the slate because of the flashing installation. Mr. Hauser asked Mr. Boender if he was interested in the tax credits. Mr. Boender said that Linwood is a non-profit and does not pay taxes, but their business director is looking into the state tax credit program which Staff said they may be eligible for. Mr. Hauser said the replacement of the slate roof from the old firehouse on Main Street was going to begin, and there may be slate available to salvage. Ms. Badart asked how many sides of the roof would be replaced. Mr. Boender said there is slate on the front and both sides that would need to be replaced. He explained they would use a lighter color synthetic for the contrasting color bands to get as close to the original look as possible, but he is hoping to be able to save what they have now. Mr. Crozier asked about the pine trees that are growing close to the building. Mr. Boender said the trees are being pruned.

Motion: Mr. Hauser moved to approve the Application as per the staff recommendation. Robert Tennenbaum seconded. The vote to approve was unanimous to approve.

#09-40 – 8501 Hill Street, Ellicott City

Exterior alterations and repairs.

Applicant: Judy Herrmann and Michael Starke

Background & Scope of Work: According to MDAT, the house dates to 1910. The Applicant seeks to make some changes to the application that was approved on April 15, 2009 and proposes some new work.

The Applicant seeks to amend the previously approved items from application HDC-09-15:

Item #	Previously Approved Work HDC-09-15	Current Proposed Changes
1.	2 nd story deck	Ground level deck (Azek decking in Kona dark brown)
2.	Concrete path behind retaining wall	Azek staircase (Azek decking in Kona dark brown)
3.	Parged concrete block rear retaining wall	Split face block retaining wall (to resemble existing)
4.	Brick piers	Azek wrapped steel columns (to support 2 nd story porch)

The Applicant seeks approval for:

Item #	Proposed Work	Materials and Additional Info	Tax Credit Pre-Approval
5.	Iron handrails and guardrails to meet code on stairways	Black iron	
6.	Repointing existing retaining walls (east side of house, street level and foundation)	Mortar to match existing	Seeks pre-approval
7.	Replace basement slope wall door, pour concrete entrance and steps (to replace existing)	Door to be steel double-hinged	Seeks pre-approval
8.	Replace existing aluminum storm windows	White aluminum framed with smaller profile	Seeks pre-approval
9.	Grading and application of gravel to new and existing parking areas after construction is complete	There is currently gravel which is replaced every few years as needed	

Staff Comments: The change from a second story deck to a ground level deck is consistent with Chapter 7.B of the Guidelines (page 54), which says “decks should not be added to a historic building’s primary façade or a façade highly visible from a public way.” The installation of the Azek staircase in place of the concrete path will be consistent with the use of the material on the deck. The area is also not highly visible and as such, staff has no objection to the use of the material or the installation of the staircase.

The split face block retaining wall appears to resemble other existing walls on the property and would be an upgrade from the previously proposed parged block wall. The Azek wrapped columns, in place of brick piers, to support the second story porch would be more in keeping with the architecture of the house. The use of the Azek also complies with Chapter 7.A (page 52) recommendations “design additions in a manner that makes clear what is historic and what is new.”

The installation of the iron handrails and guardrails is consistent with Chapter 9.D (page 70) recommendations “install open fencing, generally not more than five feet high, of wood or dark metal” and “construct new site features using materials compatible with the setting and with nearby historic structures.” Iron is a common material found in Ellicott City.

The repointing of the existing retaining walls and foundation is consistent with Chapter 6.C (page 27) of the Guidelines “repair rather than replace masonry walls, through repointing...with units that match the size, color, and texture of damaged or missing units.” Chapter 5 (page 23) of the Guidelines indicates “paving repair using like materials of like design” is routine maintenance, so the replacement of the existing concrete entranceway and stairs only need tax credit pre-approval. The replacement of the basement slope wall door with a steel double hinged door will be an upgrade from the currently deteriorating wooden door and provide better security.

The replacement of the existing storm windows is consistent with Chapter 6.H recommendations “when repair is not possible, replace original windows, frames and relate details with features that fit the original openings and are of the same style, material, finish and window pane configuration.”

The grading will be necessary after the construction of the previously approved parking space and retaining wall. The application of gravel to new and existing parking areas is routine maintenance.

Staff Recommendations: Staff recommends approval of all work and tax credit pre-approval for the requested items.

Testimony: Mr. Hauser swore in the Applicant, Michael Starke. Mr. Starke said that he would like to also seek approval and tax credit pre-approval to replace the cedar siding on the left side of the house. Samantha Stoney said the additional work can be added to the application because it is encompassed within the scope of the work listed on the legal ad. The siding will be replaced in-kind with cedar and stained to match the rest of the house. Mr. Hauser asked if the retaining wall by the driveway was now going to be split face block instead of stucco. Mr. Starke replied that the retaining wall in the back parking area will still be concrete block because of its size. The split face block is proposed for the retaining wall behind the house. Mr. Hauser asked where he is obtaining the blocks or if there is a local supplier. Mr. Starke did not know where the contractor was getting the split face block wall. Mr. Hauser asked the Commission if there were any more questions or discussion. Mr. Tennenbaum remarked that it is a very nice addition.

Motion: Ms. Badart moved to approve the application as submitted, with the addition of the replacement of the cedar siding on the south side of the house for tax credit pre-approval. Mr. Hauser seconded the motion. The vote was unanimous to approve.

#09-41 – 3675 College Avenue, Ellicott City, HO-347

Replace siding on parish office, demolish two-story house, and construct new building
Applicant: Father Matt Buening

Background & Scope of Work: The Applicant proposes to replace the siding on the parish office, demolish a two-story foursquare house, and construct new building on the site of the Foursquare.

Siding

The parish office is listed on the Historic Sites Inventory as HO-347 and dates to 1844. The original granite building has been added onto several times. The additions are covered in asbestos siding. The Applicant proposes to remove the asbestos siding and install 6 ¼ inch Certainteed fiber cement lap siding with a wood grain texture. The building corners, windows and door surrounds will be trimmed with 3 ½ inch fiber cement trim. The siding color will be Nantucket Gray and the trim color will be Merino Tan, to match other buildings on the site. All existing windows, fascia, rakes, gutters and downspouts will remain in place. All existing doors, with the exception of a second floor door on the east elevation, will remain in place. The second floor door is not an accessible door; there is no porch or balcony associated with it (the porch that provided access was removed in 1999).

Demolition

The Applicant proposes to demolish the two story foursquare house, which sits on the corner of St. Paul Street and College Avenue. In 2007 the church determined a new building was necessary to accommodate the religious education program. In order to construct a new building on the site, demolition of either the Brown House or Croghan Hall is necessary. The Brown House was chosen as it is the least historically significant and is not currently in use as it cannot accommodate any large church programs. The Applicant indicated code compliance issues to justify why the building cannot be used in its current condition. The Applicant has stated that changes to the structure in order to provide appropriate egress, handicapped accessibility, additional program space, and to meet the building height requirements would radically alter the form of the existing house, making it unrecognizable. One large evergreen tree would have to be removed for the new construction.

New Construction

The Applicant proposes to construct a two-story 6,301 square foot building in the same location as the Brown House. The building will have a larger footprint than the Brown House, extending farther west. The roof of the new building will be front gabled in the middle and flat on both sides to accommodate an extensive vegetative roof. The application indicates the front gable in the middle of the building will echo those found along St. Paul Street. The application states the windows are sized and proportioned in a similar manner to a typical house, such as those found along St. Paul Street and others found on the church campus. The applications also states that materials were selected to mirror the surrounding buildings. The lower level of the proposed new building will be a random cast stone veneer, to reflect the granite façade of the original church and rectory buildings. The upper level of the building will be stucco, to match the 2000 church addition. The front gabled roof will be standing seam metal, which is found on portions of Croghan Hall.

Staff Comments:

Siding

The Commission has deliberated on the preferred finish for fiber cement board that is used to replicate and replace wood siding. The Commission found that most painted wood lap siding is smooth and a wood grain texture does not show through. Therefore, staff recommends the Applicant use a smooth finish fiber cement lap siding. The building is currently covered in asbestos siding. Staff finds the proposed fiber cement lap siding to be acceptable because the Applicant should not be held to a higher standard than what currently exists. If the building was covered in wood siding the situation would be different.

Demolition

The federal Religious Land Use and Institutionalized Persons Act (RLUIPA) prohibits governments like Howard County (which includes the Historic District Commission) from imposing or implementing a land use regulation “in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution” unless the burden is “in furtherance of a compelling government interest” and is “the least restrictive means of furthering that compelling governmental interest.”

“Religious exercise” is defined by RLUIPA to mean “any exercise of religion, whether or not compelled by, or central to, a system of religious belief.” The Applicant is a “religious assembly or institution” within the meaning of RLUIPA, and is therefore provided with certain legal protections in regard to this application. The application specifies that the building is to be used for “religious education and various church gatherings.” These are activities that, under the relevant case law, constitute the “exercise of religion, whether or not compelled by, or central to, a system of religious belief” under RLUIPA.

Therefore, the protections of RLUIPA do apply to the Applicant’s request for:

1. Permission to demolish the existing Brown House.
2. Permission to construct the Evangelization Center.

New Construction

RLUIPA does not exempt the Commission from applying the criteria of the Guidelines when deciding whether to approve the design of the new construction. Although the Commission may not deny the application to construct a new building if the Applicant presents credible evidence that the building will be used in the “exercise of religion”, it is free to impose conditions designed to insure that the project meets the Guidelines.

Chapter 8.A (page 56) of the Guidelines explains that “new buildings need not imitate old styles. Buildings that are contemporary in design can be compatible additions to the historic district.” The Guidelines go on to say “in much of the historic district, however, the density of existing development is such that all aspects of a new building’s design can affect the historic streetscape. The size, height, trim, roof shape and other details of a new building, if not compatible with neighboring buildings, can considerably alter the streetscape and diminish the historic value of the area.” The proposed new building is very contemporary in appearance and while that can be appropriate in the historic district, in this case certain aspects of the building may have the potential to negatively impact the character of the streetscape.

The Guidelines recommend to “use a roof shape that echoes the roof forms of neighboring historic buildings.” Flat roofs are not common on detached buildings in the historic district. However, Staff

commends the Applicant's desire to have the vegetative roof on the new building, but is concerned about the shape and scale of the gabled element of the roof.

While the intent of the cast stone is to reflect the granite found in Ellicott City, Chapter 8.B (page 59) recommends against using imitation stone siding. The cast stone does not appear to be compatible with the real granite around the site; it stands out clearly as a veneer. The color of the proposed cast stone appears to have brown earth tones in it. Ellicott City granite typically has more grey and black tones.

The windows on the proposed structure are a mix of single pane square, rectangular and arched windows and fixed 1:1 windows. The intent of the 1:1 windows was to reflect windows from neighboring houses, but the 1:1 windows are unequal sizes, which are not consistent with the equal sized 1:1 proportions elsewhere in the area.

The proposed building will be quite large and highly visible, filling the entire corner lot. Staff is concerned the proposed design would diminish the architectural prominence and focal point of the historic church. The new construction may be too contemporary for the site. The Applicant may wish to explore an architectural solution that incorporates more traditional feature and historic materials.

Staff Recommendations: Staff recommends:

1. Approval of fiber cement lap siding on the parish office in a smooth finish.
2. Approval of demolition, only if new construction is approved concurrently.
3. Denial of proposed new construction as submitted.

Testimony: Mr. Hauser swore in Father Matthew Buening and Jeffrey Penza of Penza Architects. Father Buening addressed the Commission and spoke about the goals of the Church. He provided a brief history of the 171 year life of the church and congregation, then addressed complying with the design guidelines, having a building large enough to fit the congregation's needs, honoring the history of the site yet building something new, being earth friendly with a green roof and staying within budget. Mr. Crozier and Mr. Tennenbaum complemented Father Buening on his presentation.

Father Buening then turned the presentation over to Mr. Penza to present the project to the Commission. Mr. Penza first spoke about the re-siding of the Parish House and Staff's recommendation of a smooth finish instead of a texture finish. He pointed out that the reason for a texture is that the building is old and this would give more character lines and shade to the building, and would alleviate some of the bad shadow lines. The siding will have no bead.

Mr. Penza explained that Brown House was chosen for demolition because Croghan Hall is a more historically significant building on the campus. Mr. Hauser asked if the proposed building could be built on the other side of Croghan Hall. Mr. Penza replied that it could not because that portion of the site has steep slopes. He also stated that the site of the Brown House is separated from the campus and the building has not been used for a long time. Mr. Hauser asked for clarification on the difference of building footprint size between the existing Brown House and the proposed new construction. Mr. Penza stated that the proposed building would be 50% larger than Brown House.

Mr. Penza said the initial request from the church was to have a larger building, but they decided to propose a two-story building with a maximum length of 88 feet. The proposed building has a central gabled element with a wing on either side to break up the size of the building. Mr. Penza said in their preliminary investigation they found the only way to address stormwater management issues was through the use of a vegetative roof. Mr. Penza stated that the building committee wants to integrate a

statue of St. Paul into the structure; it will be a feature element in the large glass window on the west corner of the building. He said the stucco on the central element will be slightly darker than the stucco on the wings to give it more prominence. Mr. Penza said that the landscaping will considerably soften the elevation.

Mr. Tennenbaum stated that this is a unique case because of the various buildings found on the campus. Mr. Tennenbaum understands the green roof concept and purpose, but stated that the neighboring buildings have pitched roofs. Mr. Tennenbaum finds the flat roof is not a visual fit for the campus nor does it blend in with the other buildings. Mr. Penza stated that there are buildings with flat roofs located on site. Mr. Tennenbaum indicated that he would like to see the mechanical equipment located elsewhere on the site. Even though it is screened by a wood fence, it would be best to hide it out from street view. Ms. Badart said she thought the vegetative flat roof would be attractive but agreed the mechanical equipment on the side and on the roof should be relocated if possible. Mr. Tennenbaum talked about the 50/50 proportion between stone and stucco, commenting that usually the proportion is not evenly divided. He suggested the stone be dropped or raised but the façade should not be divided in half. He complimented the Applicant on the floor plan and suggested the services of a landscape architect might be helpful.

Mr. Tennenbaum complimented the placement of the large window where the statue is planned. Mr. Tennenbaum discussed the floor to ceiling glass on the south elevation. He suggested this could be reduced by continuing the stone base or by some other method so all the windows would have the same proportions. Ms. Tennor asked if the glass was clear. Mr. Penza said the glass was not reflective. Mr. Tennenbaum asked if the windows were operable. Mr. Penza stated that just the lower half were operable. Mr. Tennenbaum noted that the windows did not have a sill and there is no detail around the windows. Providing some trim would give them a more traditional look. Ms. Badart would like to see the windows have equal sashes. The arched shape of the window in the central gable was also discussed.

Mr. Hauser swore in George Kraff. Mr. Penza said they started designing the building with a grey stone but thought it seemed too cold in contrast with the existing buildings. Ms. Badart stated that the brown stone is not compatible with the granite found in the area. Mr. Hauser stated that the grey in the sample stone would be compatible if the brown tones were not in it. Ms. Tennor concurred but noted the buff stucco appears coordinated with the church structure. The Commission said they felt the pattern of the stone resembled that found on other buildings, although it appears rougher in texture.

Sam Crozier made a statement that his first impression was that the proposed new building does not fit the historic character of the rest of the campus. Mr. Penza noted that they wished to design a simple contemporary background building, not a traditional one that might compete with the church. Mr. Crozier asked if any new pathways between the buildings were being proposed. Father Buening explained that there is a walkway that goes across a wooden bridge that connects around to the parish office. Mr. Hauser asked if the parking would have to be increased because of the building size. Father Buening and Mr. Penza stated that no additional parking would be required.

Mr. Hauser asked if they think they will hit granite with the excavation. Mr. Penza stated that a few soil borings have been done and they have not hit granite, but he has asked for additional soil borings to make sure. Mr. Hauser expressed his satisfaction with the building design.

Mr. Hauser asked Mr. Penza if he had any questions for the Commission. Mr. Penza offered to return to the Commission with drawings that would address the items that the Commission discussed. In summarizing, Mr. Penza said he would look at the detailing on the windows, such as sills and

proportions. He would also look at the 50/50 proportion of the stone and stucco, locations for the mechanical equipment, and the colors and texture of the stone.

Motion: Ms. Badart moved to continue the application to January 2010 meeting. Mr. Crozier seconded. The vote was unanimous to continue the application.

Additional Items

Ms. Stoney explained that amendments to the Rules of Procedure are required for consistency with Code changes approved by the County Council on October 5, 2009. The approved changes clarify language regarding the review of development plans and change the application deadline from 15 to 22 days in order to allow staff adequate time to review applications. Also change Rule 103.C to be consistent with §16.605(f)(3) of the County Code.

Motion: Mr. Hauser moved to approve the amendments. Ms. Tennor seconded. The Commission voted unanimously to approve.

The meeting adjourned at 9:20 pm.

*Chapter and page references are from the Ellicott City or Lawyers Hill Historic District Design Guidelines.

Elmina J. Hilsenrath, ASLA
Executive Secretary

Joseph Hauser, Chairperson

Carol Stirn, Recording Secretary

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